## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff(s), : Case No. 3:13-cr-7

- vs - District Judge Timothy S. Black

Magistrate Judge Michael R. Merz

CHARLES SUTTLES

Defendant(s). :

## **DETENTION ORDER**

This case came on for hearing on January 28, 2013, on motion of the United States to determine whether any condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the appearance of the Defendant as required in this case and the safety of the community.

In requesting detention, the United States relied on the report of the Pretrial Services

Officer, the presumption of detainability arising from the nature of the offense, and the probable cause determination made by the grand jury. Defendant presented no testimony.

Based on the findings made on the record in open court, the Court finds that no condition or combination of conditions will assure Defendant's appearance or obedience to the law protecting the safety of others in the community while released.

The term "safety of the community" refers to the community's security from criminal conduct by the Defendant, whether violent or not. *United States v. Redd*, Case No. CR-3-00-92 (S.D. Ohio January 22, 2001), *citing United States v. Ramsey*, 110 F. 3d 65, 1997 WL 135443 (6th Cir. March 24, 1997)(unpublished)(when considering the "safety of the community" in the

context of pre-trial release, "the courts look to more than whether the defendant has been guilty of physical violence"); *United States v. Vance*, 851 F. 2d 166, 169 (6th Cir. 1988)(recognizing that community safety concerns focus on not only the safety of particular individuals, but also on the safety of the community as a whole).

The Government's Motion to detain is GRANTED.

Accordingly, it is hereby ORDERED that:

- 1) the Defendant be committed to the custody of the Attorney General of the United States for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- 2) the Defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3) on order of a court of the United States or on request of an attorney for the United States, the person in charge of the facility in which the Defendant is confined deliver the Defendant to a United States Marshal or his deputy for the purpose of an appearance in connection with a court proceeding.

Defendants who appeal to a district judge from this Order must, at the same time as filing the appeal, order a transcript of the detention hearing from the court reporter.

January 28, 2013.

s/ Michael R. Merz United States Magistrate Judge